

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF HAWAII

1	JOHN A. MOFFETT,)	CIVIL NO. 03-00130MLR
2)	
3	Plaintiff,)	Honolulu, Hawaii
4)	September 22, 2005
5	vs.)	9:42 a.m.
6)	
7	SMF SYSTEMS CORPORATION,)	FURTHER JURY TRIAL
8	et al.,)	VOLUME 4
9	Defendants.)	

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE MANUEL L. REAL,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:

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Official Court Reporter:

Cynthia Tando Fazio, RMR, CRR
United States District Court
P.O. Box 50131
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

1 up anything new. As of today she's not a party.

2 MS. FARM: Your Honor, we will look into -- well, Your
3 Honor, I won't argue the Motion for Reconsideration. There are
4 different bases in which to bring a Motion for Reconsideration,
5 and we will present those in our Motion for Reconsideration at
6 this time, as it was error to dismiss her since she was the
7 plan administrator and is personally liable.

8 THE COURT: She's not a party now. When the matter
9 was tried.

10 All right. What's the citation for Boone?

11 MS. FARM: I'm sorry, Your Honor. I didn't hear you.

12 THE COURT: Boone versus Leavenworth?

13 MS. FARM: 20 F.3d 1108.

14 THE COURT: All right. We'll take a recess. I'll
15 read some of these cases, and then we'll resume when I finish
16 that. We'll be in recess.

17 (A recess was taken from 10:29 a.m. to 11:45 a.m.)

18 THE COURT: All right. You may be seated.

19 Court finds that at least as to the \$150 claim delay
20 in the rollover, which was resolved by the Department of Labor,
21 that is Exhibit 60, and the written request, and plaintiff
22 never talked to the administrator, re the \$150 interest on the
23 delay, the -- there is no evidence of who or what caused the
24 delay of the rollover or whether the administrator had any
25 control over the delay.

COURT REPORTER'S CERTIFICATE

I, CYNTHIA TANDO FAZIO, Official Court Reporter,
United States District Court, District of Hawaii, Honolulu,
Hawaii, do hereby certify that the foregoing pages numbered 1
through 30 is a correct transcript of the proceedings had in
connection with the above-entitled matter.

DATED at Honolulu, Hawaii, October 25, 2005.


CYNTHIA TANDO FAZIO, RMR, CRR